

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JORGE FELIX EXIDORO ROMERO,

Plaintiff,

v.

Civ. No. 06-349 RB/RHS

HARRY TIPTON, et al.,

Defendants.

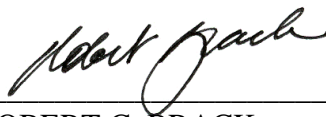
**ORDER ADOPTING FINDINGS AND
DENYING DEFENDANTS' MOTION TO DISMISS**

THIS MATTER comes before the Court on the Defendants' Motion to Dismiss in Lieu of an Answer ("Motion to Dismiss"), filed April 22, 2008 [**Doc. No. 58**] and the report and recommendation of the United States Magistrate Judge ("Report"), filed June 26, 2008 [**Doc. No. 60**]. No objections have been filed to the Magistrate Judge's Report. Having considered the Motion to Dismiss and the Report, the Court will adopt the proposed findings of the Magistrate Judge and deny Defendants' Motion to Dismiss.

WHEREFORE,

IT IS HEREBY ORDERED that the proposed findings of the United States Magistrate Judge [**Doc. No. 60**] are adopted by the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss in Lieu of an Answer [**Doc. No. 58**] is **denied**.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE